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Gregory J. Koerner Redwood Patent Law 1291 East Hillsdale Boulevard Suite 205 Foster City, CA 94404			EXAMINER KOVACEK, DAVID M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,781

Applicant(s)

ABREGO ET AL.

Examiner

David Kovacek

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is response to applicant's Amendment, filed 10/26/2009, in which the applicant amends **claims 1, 21, 41-42, 44-47, 49, and 52**, and presents arguments for patentability over the previously cited prior art.

2. The previously cited prior art of record and relied upon for rejection includes the disclosures of Newman (US PG PUB 2003/0101156), Kanevsky (US Patent 6,434,520), Belrose (US PG PUB 2003/0144843), Nicholson (US PG PUB 2002/0067859), and Adams (US PG PUB 2004/0008209).

Response to Amendment

3. The applicant's amendments to **claims 1, 21, 41-42 and 44-47** have been considered and entered. It is noted by the examiner that the current amendments substantially change the scope of the limitations of the claims as previously presented.

4. The applicant's amendments to **claims 49 and 52** have been considered and entered. It is noted by the examiner that the amendments to **claim 49** effectively obviate the previous rejection of the same under 35 USC §112, Second Paragraph. Accordingly, the previous rejection in question is withdrawn.

Response to Arguments

5. Applicant's arguments, see Remarks, filed 10/26/2009, with respect to the previous rejection of **claim 52** under 35 USC §112, First Paragraph have been fully considered and are persuasive. The previous rejection of **claim 52** has been withdrawn.

6. Applicant's arguments filed 10/26/2009 have been fully considered but they are not persuasive.

Firstly, the applicant appears to contend that the previous rejection fails in view of the newly cited amendments, pointing out explicitly the amendments of **claim 1** in particular (Remarks of 10/26/2009: Page 20, paragraph 03 – Page 21, paragraph 01). The examiner respectfully disagrees with this assertion and maintains that the previously cited art properly discloses all limitations of the newly amended claims as provided in the detailed analysis of the rejections found in the appropriate sections of this Office Action.

The applicant next argues with respect to Newman that "Newman nowhere discloses creating text labels from a user narration specifically '*for utilizing said labels to automatically located said respective subject matter locations in said audio/video data*' [emphasis in original] (Page 21, paragraph 02)" and also that "Newman fails to teach 'a label search mode for utilizing said labels to automatically locate said respective subject matter locations in said audio/video data [emphasis in original] (Page 21, paragraph 03)." However, it is noted by the examiner that the teachings of Newman are not relied upon to address these limitations, and instead the teachings of Kanevsky are relied upon. The applicant is reminded that the previous rejection under 35 USC §103(a) relies upon the teachings rendered obvious by the combination of disclosures of Newman and Kanevsky when viewed by one of ordinary skill in the art. As such, all limitations of the claims need not be addressed by each prior art reference individually.

The examiner also notes that the limitation of "...for utilizing said labels to automatically locate said respective subject matter" as recited in **claim 1** appears to be argued by the applicant based upon an intended use of the limitation in question. The applicant is reminded that intended use, *per se*, does not hold patentable weight.

The applicant next argues that Newman fails to make mention of any type of automatic label search procedure (Page 21, paragraph 04 - Page 22, paragraph 01), and therefore "New man fails to teach 'a speech recognition engine that automatically performs

a speech recognition process upon said narration to generate labels that correspond to said respective subject matter locations...' [emphasis in original] (Page 22, paragraph 01)." The applicant does not illustrate or demonstrate the distinctions between the tags of Newman in this context and the labels of **claim 1**. It is noted by the examiner that the teachings of Newman alone are not relied upon for this particular limitations of **claim 1**, and that the combination of Newman and Kanevsky render obvious the totality of these teachings, as previously cited in the past rejection.

The applicant further argues that "Newman fails to teach using a speech recognizer to create text labels from a concurrently captured narration to thereby associate the labels with specific locations in A/V data, and then 'utilizing said labels to automatically locate said respective subject matter locations' in said audio/video data' [emphasis in original] (Page 22, paragraph 02)." However, it is further noted by the examiner that this particularly limitation is addressed by Kanevsky in the previous rejection, and the previous rejection does not rely upon Newman alone.

The applicant next argues that "Kanevsky fails to teach a narration that is created by a narrator specifically to produce 'labels' for performing search procedure...Kanevsky is significantly different than Applicant's intentionally-created and specifically-targeted 'labels' [emphasis in original] (Page 22, paragraph 04 – Page 23, paragraph 01)."

Once again, the examiner notes that the applicant appears to be relying upon intended use limitations which, *per se*, do not hold patentable weight.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

The applicant next argues that "randomly formulating a 'query' to search for audio segments is substantially different than reviewing and selecting previously-created text 'labels' to initiate an automatic search for a precise location in recorded video [emphasis in original] (Remarks of 10/26/2009: Page 23, paragraph 01)." However, it is noted by the examiner that this particular argument, pertaining to "reviewing and selecting" previously-created text labels" specifically, is nowhere in the claims. The applicant appears to be improperly defining the limitations of the claims in view of the supporting specification. The examiner contends that when given the broadest reasonable interpretation to one of ordinary skill in the art, the disclosures of Newman in combination with Kanevsky render obvious the limitations in question as applied in the previous rejection and further provided in the appropriate sections of this Office Action for convenience. The applicant appears to provide no further arguments to address this particular application of the prior art to this limitation of **claim 1**.

Next, the applicant argues with respect to the previous rejection of **claims 7, 12-13, 27, and 32-33** that the teachings of Nicholson (US PGPUB 2002/0067859; cited previously) are "not directed toward any field of endeavor that remotely resembles that of

Applicants' invention...Nicholson does not pertain to any sort of digital videography techniques...Nicholson is non-analogous art, and is therefore not relevant with respect to Applicants' claimed invention [emphasis in original] (Remarks of 10/26/2009: Page 26, paragraph 04)."

The examiner first notes that the claims are not directly specifically and exclusively to videography, but explicitly recite a photographic target and audio/video data. At minimum, these limitations of the claims would mean that the field of relevant art would include photographic data, such as is disclosed by Nicholson. However, the examiner further contends that one of ordinary skill in the art of videography would additionally be at least familiar with the art of photographic processing, as the visual data in the field of videography is composed of a succession of photographic images. This classification is particularly relevant in the digital domain, to which the teachings of Nicholson are directed. Therefore, the examiner contends that the procession of video data is analogous to the processing of photography and that one of ordinary skill in the art of videography, as is applicable to the instant application, would additionally be familiar with the principles of photography as well.

The examiner further notes that the previously cited field of art considered for the teachings of Nicholson comprises media data storage, search, organization, and retrieval. Specifically, the examiner contended that each of the combined references Newman (US PGPUB 2003/0101156; cited previously) and Nicholson are directed to "a system for retrieving media data using labels for the purpose of allowing better organization of said data (Office Action of 03/05/2009:

Page 30, paragraph 05).” The examiner further contends that the applicant provides no further arguments regarding the specific reasons why Nicholson fails to be included in this particular field of art.

Lastly, the applicant argues with respect to **claims 11, 31 and 48** that “Adams teaches a ‘multi-media photo album’ that allows a user to manually select stored audio data corresponding to a given photograph...Examiner has failed to make a *prima facie* case of obviousness [emphasis in original] (Remarks of 10/26/2009: Page 27, paragraph 03).”

It is noted that the teachings of Adams are relied upon to address the limitations directed to automatic generation of labels, and not any form of selection, as the applicant seems to argue. Furthermore, there are no specific and clear arguments, rationale, or analysis showing the exact distinctions between the teachings of Adams and the claim limitations in question. In particular, Adams is cited to explicitly teach an embodiment including an automatic handling of labels [providing automatic addressing to contents of storage devices, including meta-data] (Page 3, paragraphs 004-0080).

Applicant’s arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

All remaining arguments appear to be related to or rely upon one or more of the above and are found to non-persuasive for the same reasons. The examiner believes that no additional

For at least the above reasons, the applicant's arguments are found to be non-persuasive.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. **Claims 49** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to **claim 49**, the amended version of the claim comprises the added limitations of "an amplitude parameter and a duration parameter, said

amplitude parameter being based upon an amplitude of said narration, said duration parameter being based upon a duration of said narration." Neither limitation is properly supported by the original disclosure of the application. Therefore each limitation comprises new matter.

As noted in the previous Office Action, the particular "amplitude parameter" and "duration parameter" appear to be interpretations provided to the disclosed terminology "label amplitude parameter" and "label duration parameter" in the specification. As noted previously, the examiner contends that an appropriate interpretation for each of "label amplitude" and "label duration" respectively would be the "amplitude of a label" and the "duration of a label." The examiner maintains that it is unclear exactly how the otherwise well-known terms of art "amplitude" and "duration" can be applied to static text data, which is how the labels are disclosed throughout the instant application. To clarify this position, the examiner believes it is analogous to determining the "amplitude" and "duration" of a spreadsheet document or other static data.

In view of the current amendments to **claim 49**, the examiner believes the applicant is selectively interpreting each of "label amplitude parameter" and "label duration parameter" of the specification to describe the amplitude and duration of the dynamic narration data. In view of the current amendments, the examiner further believes that the applicant had originally intended to provide such disclosures as "amplitude label parameter" and "duration label parameter," which the examiner contends would be a more appropriate recitation to describe what is believed to be the intended subject matter. Unfortunately, such a dramatic shift in meaning of the claim

language, without basis of the specific terms in the specification, comprises new matter added to the application.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. **Claims 1-2, 4-6, 8-10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47 and 50-51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky (US Patent 6,434,520; previously cited but not relied upon).

Regarding **claim 1**, Newman discloses a system for cataloguing information comprising:

- an electronic device that captures audio/video data corresponding to a photographic target [data acquisition device] (Col. 2, paragraphs 0012-0014; Col. 3, paragraph 0032),
- said audio/video data [Audio, photo and/or video; APV data] including a narration [audio messages] concurrently provided by a narrator specifically to mark where respective subject matter locations are positioned in said audio/video data

[selectively retrieved] (Col. 2, paragraphs 0019, 0022-0023, 0025; Col. 3, paragraphs 0032-0033);

- a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels [tags] that correspond to said respective subject matter locations in said audio/video data (Page 2, paragraph 0017; Page 3, paragraphs 0025, 0033),
- said labels being text conversions of utterances in said narration [converting audio files to text files] (Page 2, paragraph 0017; Page 3, paragraph 0025; Page 3, paragraph 033 – Page 4, paragraph 0036),
- said labels each being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data [storing message with data; logs with indicators; tags for identification data] (Page 2, paragraphs 0013, 0017, 0019; Page 3, paragraph 0033);

Newman further discloses display of said labels [outputting "tag" information] to facilitate in identifying information related to the audio/video data (Page 3, paragraph 0033).

Kanevsky additionally discloses a system for indexing audio/video data [audio/multimedia files] (Abstract) comprising:

- a speech recognition engine that automatically performs a speech recognition process upon said

narration to generate labels that correspond to said respective subject matter locations in said audio/video data [regularly extracting audio data stream into segments; speech recognition/transcription module decodes the spoken utterances in segments] (Fig. 1, elements 102, 109; Col. 3, lines 12-19; Col. 6, lines 39-44),

- said labels being text conversions of utterances in said narration [decoding spoken utterances and generating a corresponding transcription] (Col. 6, lines 39-44),
- said labels each being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data [processing feature vectors by determining the locations of changes in speaker, channel and/or background and then marking said locations] (Fig. 1, element 103; Col. 3, lines 19-29); and
- a label manager that manages a label mode for generating and storing said labels [audio indexing system with database], said label manager also controlling a label search mode that utilizes said labels to automatically locate said respective subject matter locations in said audio/video data [database includes tags]

(Fig. 1, elements 105-111; Col. 7, lines 21-26; Col. 8, lines 21-36, lines 49-52)

- said labels being displayed in said label search mode for a device user to select for automatically locating said respective subject matter locations [user can search the stored audio files and data streams based on tags and transcriptions associated with segments; user can browse the audio archive to select a stored segment] (Col. 8, line 49 – Col. 9, line 11; Col. 9, lines 30-40).

Though it is not explicitly stated, Kanevsky strongly implies that the user is presented with the tag and transcription information used during the search, since such feedback would be necessary to ensure that a user would be aware of the parameters of said search.

The references are combinable because each is directed to the field of media storage, organization, and retrieval. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and Kanevsky for the purpose of implementing an apparatus for the storage, organization, and retrieval of media data that is further operable to utilize audio labels

based upon speaker identity or other specified circumstances for the purpose of increasing efficiency in searching large volumes of media data.

Regarding **claim 2**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said electronic device is implemented as an audio/video camcorder device [video camera] (Page 2, paragraphs 0014, 0021; Page 3, paragraph 0032).

Regarding **claim 4**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said label manager initially instructs said electronic device to enter a real-time label mode [data acquisition devices read at a fixed time interval] for creating and storing said labels [tags] (Page 3, paragraphs 0032-0033), said electronic device concurrently [run continuously or run selectively at desired times] capturing said audio/video data and said narration after said label manager instructs said electronic device to enter said real-time label mode (Page 3, paragraph 0032).

Regarding **claim 5**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further renders obvious that said electronic device enters a real-time label mode in response to a verbal label-mode command from a system user, said verbal label-

mode command being recognized and provided to said label manager by said speech recognition engine in disclosing a system for labeling [tags] data (Page 3, paragraph 0033) that is responsive to selective searching (Page 2, paragraph 0022 – Page 3, paragraph 0023), and additionally includes voice recognition components for entering data (Page 3, paragraph 0025).

Because Newman teaches both verbal commands of the system, and also teaches labeling data, both elements of the claim are known in view of the teachings of Newman. Furthermore, speech control is one of a finite number of input methods for the system as taught by Newman and there is reasonable expectation of success for one of ordinary skill in the art to adapt the speech control disclosure of Newman to accommodate input of label [tag] data. The examiner further contends that any system that operates on the time-dependent basis of voice-input must inherently operate in real-time for proper functional operation to the end-user. Therefore, because Newman teaches all components of the limitations of **claim 5**, including a verbal command mode as one of a finite number of inputs to the system and an input of label data mode, and one of ordinary skill in the art would have no reason not to expect success in adapting the verbal commands to include input of label data, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teachings of Newman to accommodate greater flexibility of data input by doing so.

Regarding **claim 6**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Kanevsky further discloses that said speech

recognition engine automatically generates said labels as said electronic device captures said audio/video data and said narration [source of audio stream may be conversational speakers; unsupervised segmentation] (Fig. 2A; Fig. 2B; Col. 2, lines 63-66; Col. 3, lines 55-59)

Regarding **claim 8**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said label manager stores said labels during a real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels [date and time] (Page 3, paragraph 0033).

Regarding **claim 9**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Kanevsky further discloses that said electronic device initially captures said audio/video data and said narration prior to entering said label mode [audio stream may be a pre-recorded video with accompanying audio track] (Col. 2, lines 63-66).

Regarding **claim 10**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said label manager instructs said electronic device to enter a non-real-time label mode [data access after operation is complete] for creating and storing said

labels [data review], said electronic device responsively retrieving and playing back said audio/video data and said narration (Page 4, paragraph 0035-0037).

Regarding **claim 15**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further discloses that said label manager stores said labels in a non-real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels [tags] (Page 3, paragraph 0032-0033; Page 4, paragraph 0035-0037).

Regarding **claim 16**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Kanevsky further discloses a system user interactively selects a search label for performing a label search procedure to locate a specific one of said respective subject matter locations corresponding to said search label [user may retrieve stored audio segments from the database by formulating queries based on one or more parameters corresponding to indexed information] (Col. 1, line 61 – Col. 2, line 04).

This limitation is directly related to the teachings of Kanevsky applied above to the limitations of **claim 1**. Therefore, the motivation to combine the references is the same for **claim 16** as applied above to **claim 1**.

Regarding **claim 17**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further implies that said label manager generates a label-search GUI on a display of said electronic device, a system user viewing said labels and corresponding representative images [icons] from said audio/video data for selecting a search label (Page 4, paragraph 0035-0038) in disclosing that the data retrieval system as disclosed by Newman includes a selective display capability for presenting relevant data to a user.

Regarding **claims 21-22, 24-26, 28-30, and 35-37**, these claims are very similar to **claims 1-2, 4-6, 8-10, and 15-17** respectively as applied above, and are rejected for the same reasons.

Regarding **claims 41-42 and 44-47**, each of these claims is very similar to **claim 1** as applied to above, and is rejected for the same reasons.

Regarding **claim 43**, this claim contains limitations very similar to those found in a combination of **claims 1, 8, 13, and 15**, which are all addressed by Newman

individually, and therefore **claim 43** is rejected for the same reasons.

Regarding **claim 50**, Newman in view of Kanevsky discloses all limitations of **claim 17** as applied above, and Newman further discloses that said representative images are implemented as thumbnail images [icons corresponding to an image related to data] (Page 4, paragraphs 0037, 0039).

Regarding **claim 51**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Newman further renders obvious that said electronic device is a single discrete video camcorder that hosts said speech recognition engine, said label manager, said labels, and said audio/video data (Page 1, paragraph 0006; Page 2, paragraphs 0014-0015, 0021; Page 3, paragraph 0032) in disclosing the inclusion of a camcorder as a device for initial data capture [video camera] (Page 2, paragraph 0014; Page 3, paragraph 0033), and that the system can be embodied in a single device (Page 1, paragraph 0006).

Because such limitations of the claim are taught by Newman, they would have been known to one of ordinary skill in the art in view of Newman at the time the invention was made. Furthermore, motivation to combine the elements taught in Newman would exist because it is well-known in the art to integrate functionality of system into a single portable device to increase convenience and transportability of said system.

The references are combinable because each is directed to the field of media storage, organization, and retrieval. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and Kanevsky for the purpose of implementing an apparatus for the storage, organization, and retrieval of media data that is further operable to utilize audio labels based upon speaker identity or other specified circumstances for the purpose of increasing efficiency in searching large volumes of media data and is further implemented on a single device encapsulating all elements of the system for the purpose of increasing convenience and transportability of said system.

11. **Claims 3, 14, 18-20, 23, 34, and 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky and in further view of Belrose (US Patent Application Publication 2003/0144843), cited in a prior Office Action.

Regarding **claim 3**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above.

Belrose additionally discloses:

- said speech recognition engine is configured in a simplified configuration [specific queries] that efficiently compares said narration with acoustic models to identify phone strings [recognizing a user information request] that represent said narration [speech input] (Page 2, paragraph 0030; Page 3, paragraphs 0047, 0051-0052),
- said speech recognition engine referencing a compact dictionary to look up recognized vocabulary words that correspond to said phone strings [one or more queries] (Page 3, paragraph 0048),
- said speech recognition engine utilizing a limited set of recognition grammar to form said recognized vocabulary words into said labels [label for a feature] that are supported by said speech recognition engine (Page 6, paragraph 0106).

The references are combinable because each is directed to a system for capturing, storing, and browsing audio and/or video data and organizing said data using labels for ease of access to said data. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39). Belrose further provides motivation to combine the references in disclosing the utility of

encapsulating such a system into a mobile device [cellular telephone] operable using voice commands (Page 1, paragraph 0003) to allow free mobility of the system.

Therefore, the examiner contends that it would have been obvious to combine the teachings of Newman with the teachings of Kanevsky and Belrose in order to implement a media browser organized using labels that is operable to utilize audio labels based upon speaker identity or other specified circumstances for the purpose of increasing efficiency when searching large volumes of audio, and is further encapsulated into a mobile device operable using voice commands to allow free mobility of the system.

Regarding **claim 14**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Belrose additionally discloses that said label manager coordinates a label validation procedure for validating said labels in response to verbal validation commands from a system user [identification], said verbal validation commands being recognized and provided to said label manager by said speech recognition engine [determine the nature of the information to be recorded] (Page 6, paragraph 0098-0108).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 14** as applied above for **claim 3**.

Regarding **claim 18**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Belrose additionally discloses that a system user selects a search label by issuing a verbal search-label command [hotspot label], said verbal search-label command being recognized and provided to said label manager by said speech recognition engine (Page 6, paragraph 0106; Page 7, paragraphs 0110-0113).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 18** as applied above for **claim 3**.

Regarding **claim 19**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Belrose additionally discloses that said label manager instructs said electronic device to automatically locate and retrieve a specific one of said respective subject matter locations in response to a system user selecting a search label [hotspot dialogue blocks] (Page 6, paragraphs 0106-0108).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 19** as applied above for **claim 3**.

Regarding **claim 20**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Belrose additionally discloses that said electronic

device automatically plays back a specific retrieved one of said respective subject matter locations [greeting dialog block specific to narrator] from said audio/video data for viewing by said system user (Page 6, paragraphs 0097-0100).

This limitation is directly related to the voice command input limitation disclosed by Belrose as applied above to **claim 3**. Therefore, the motivation to combine the references is the same for **claim 20** as applied above for **claim 3**.

Regarding **claim 23**, this claim is very similar to **claim 3** and is rejected for the same reasons.

Regarding **claim 34**, this claim is very similar to **claim 14** and is rejected for the same reasons.

Regarding **claims 38-40**, these claims are very similar to **claims 18-20** respectively and are rejected for the same reasons.

12. **Claims 7, 12-13, 27, and 32-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky and in further view of Nicholson (US Patent Publication Application 2002/0067859), cited in the previous Office Action.

Regarding **claim 7**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Nicholson additionally discloses a post processor [digital processor] operating in real-time to perform a validation procedure for the labels based upon confidence measures [threshold confidence level] (Page 2, paragraph 0012).

The references are combinable because each is directed to a system for retrieving media data using labels for the purpose of allowing better organization of said data. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39). Nicholson further provides motivation to combine in disclosing the utility of a system that is able to discriminate between identifiable and non-identifiable data for the purpose of maintaining a high level of recognition by the user of decoded data with a minimal additional storage cost (Page 2, paragraph 0014).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman and Nicholson in order to implement a system for retrieving media data that is operable to utilize audio labels based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data, and further is operable to use labels that utilizes discrimination between identifiable and non-identifiable data in order to maintain a high level of user recognition of decoded data with minimal additional storage costs.

Regarding **claim 12**, this claim is very similar to **claim 7** and is rejected for the same reasons.

Regarding **claim 13**, Newman in view of Kanevsky discloses all limitations of **claim 1** and additionally discloses a validation graphical user interface [display] allowing users to evaluate, delete, and edit labels [tags] (Page 4, paragraphs 0035-0037).

Nicholson additionally discloses coordinating a label validation procedure for validating said labels (Page 2, paragraph 0012).

The limitations of **claim 13** are very similar to those of **claim 7**, and therefore the motivation to combine the references is the same for **claim 13** as for **claim 7**.

Regarding **claim 27**, this claim is very similar to **claim 7** and is rejected for the same reasons.

Regarding **claims 32-33**, these claims are very similar to **claims 12-13** respectively, and each is rejected for the same reasons respectively.

13. **Claims 11, 31, and 48-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky in further view of Adams (US Patent Application Publication 2004/0008209), cited in a previous Office Action.

Regarding **claim 11**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above. Adams additionally discloses automatically [addressing devices automatically] generating labels [meta-data] by analyzing audio/video data and narration data during playback of said audio/video data and said narration data (Page 3, paragraph 0074-0080).

The references are combinable because each is directed to a system for storage and retrieval of media data. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39). Adams provides motivation in disclosing the utility of providing automated association of meta-data to audio/video data in order to allow for more efficient organization of audio/video data (Page 6, paragraph 0111).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, Kanevsky and Adams in order to implement a system for storage and retrieval of media data that utilizes audio labels based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data and is further operable to provide automated association of meta-data to said media data in order to allow for more efficient organization of said media data.

Regarding **claim 31**, this claim is very similar to **claim 11** and is rejected for the same reasons.

Regarding **claim 48**, Newman in view of Kanevsky discloses all limitations of **claim 8** as applied above. Adams additionally implies the use of video timecode information as a component of said meta-data in disclosing the storage of meta-data that comprises arrangement data with regard to media data such as video data (Page 3, paragraph 0079), because timecode information is a well-known and readily-available method of arranging frames of video data.

The motivation to combine the references as applied to **claim 48** is the same as applied above to **claim 11**, because each claim presents limitations that are applicable to the automatic arrangement and organization of data and meta-data on a storage component of a media data retrieval system.

Regarding **claim 49**, Newman in view of Kanevsky discloses all limitations of **claim 12** as applied above. Adams additionally implies the use of amplitude and parameter data as a component of said meta-data in disclosing the storage of meta-data that comprises arrangement data with regard to media data such as audio and video data (Page 3, paragraph 0079), because amplitude and duration are well-known and readily-available parameters used in cataloguing audio and video data for arrangement in a data storage system.

The motivation to combine the references as applied to **claim 49** is the same as applied above to **claim 12**, because each claim presents limitations that are applicable to the automatic arrangement and organization of data and meta-data on a storage component of a media data retrieval system.

14. **Claim 52** is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman in view of Kanevsky and in further view of US Patent 6,538,623, hereinafter referred to as Parnian.

Regarding **claim 52**, Newman in view of Kanevsky discloses all limitations of **claim 1** as applied above, and Kanevsky further discloses a Narration being identified for conversion in to said labels by having a greater amplitude than other ambient sound that is recorded from more remote sources as part of said audio/video data [determining acoustic components of speech using signals such as speech in noisy environments] (Col. 2, line 63 - Col. 3, line 11; Col. 3, lines 40-52).

Parnian additionally discloses a head-mounted sound-sensor device that is worn in close proximity to said narrator in disclosing a mobile device that provides a plurality of media-gathering tools including a wearable microphone (Abstract; Fig. 6A, element 35c; Col. 4, lines 49-60; Col. 10, lines 26-29, lines 47-64).

The references are combinable because each is directed a system of media storage, organization, and retrieval. Kanevsky further provides motivation to combine the references in disclosing the utility of labeling audio [tagging data] based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data (Co. 1, lines 28-39). Parnian further provides motivation to combine the references in disclosing the utility of a mobile data collection and retrieval device that allows for mobile collection of media data with timestamps to maintain integrity of the data for the purpose of allowing a user to make use of the device to capture data in a remote location (Col. 4, lines 49-60; Col. 10, lines 55-64).

Therefore, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Newman, Kanevsky, and Parnian in order to implement a system of media storage, organization, and retrieval that is further operable to utilize audio labels based upon identity of speakers or other specified circumstances for the purpose of increasing efficiency in searching a large volume of media data, and is further implemented as a mobile data collection and retrieval device that allows for mobile collection of media data with timestamps maintain integrity of the data for the purpose of allowing a user to make use of the device to capture data in a remote location.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Kovacek whose telephone number is (571)270-3135. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

DMK, 01-26-2010